

LP
F
5012
1844
M145

EXTRACT

FROM THE

WILL OF THE LATE HON. JAMES M^cGILL,

WITH THE

Charter of the University of McGill College,

AND

THE ADDRESS,

DELIVERED BY THE PRINCIPAL, ON THE OCCASION OF
THE OPENING OF THAT INSTITUTION,

SIXTH SEPTEMBER, 1843.



Montreal :

PRINTED BY LOVELL AND GIBSON, SAINT NICHOLAS STREET

1844.

F5012

1844M145

OFFICERS

OF THE

UNIVERSITY OF M^cGILL COLLEGE.

Visitors.


The Corporation of the Royal Institution for the Advancement of Learning,
viz:

The LORD BISHOP OF MONTREAL, Principal.
The Honourable A. W. COCHRAN, D. C. L.
The Honourable GEORGE MOFFATT.
The Honourable JOHN NEILSON.
The Reverend JOHN COOK, D. D.
THOMAS TRIGGE, Esq.
T. A. STAYNER, Esq.

Governors.

HIS EXCELLENCY THE GOVERNOR GENERAL.
The LORD BISHOP OF MONTREAL.
The Honourable the CHIEF JUSTICE OF MONTREAL.
The Honourable the CHIEF JUSTICE OF UPPER CANADA.
The PRINCIPAL OF THE COLLEGE.

Principal,.....	Rev. J. BETHUNE, D. D.
Vice Principal,.....	Rev. F. J. LUNDY, D. C. L.
Professor of Divinity,.....	Rev. DR. BETHUNE.
Professor of Classical Literature,.....	Rev. DR. LUNDY.
Professor of Mathematics and Natural Phi-	} W. WICKES, M. A.
losophy,.....	
Professor of Medicine,.....	A. F. HOLMES, M. D.
Lecturer on Surgery,.....	G. W. CAMPBELL, M. D.
Lecturer on Chemistry,	A. HALL, M. D.
Lecturer on Midwifery,.....	M. McCULLOCH, M. D.
Lecturer on Anatomy,.....	O. T. BRUNEAU, M. D.
Lecturer on Materia Medica and Institutes...	S. C. SEWELL, M. D.
Lecturer in Divinity,.....	Rev. D. FALLOON, D. D.
Lecturer in Civil Law,.....	W. BADGLEY, D. C. L.
Tutor,.....	E. CHAPMAN, B. A.
Registrar, Bursar, and Secretary,.....	Rev. JOSEPH ABBOTT, M. A.
Longueuil Scholar,	Mr. HENRY ROE.
Bedel,	GEORGE SEACOLE.
Steward,.....	R. P. ISAACSON.



Digitized by the Internet Archive
in 2012 with funding from
Queen's University - University of Toronto Libraries

EXTRACT

FROM THE

WILL OF THE LATE HON. JAMES M^cGILL.

I GIVE and devise all that tract or parcel of land, commonly called Burnside, situated near the City of Montreal aforesaid, containing about forty-six acres, including an acre of land purchased by me from one Sanscrainte, together with the dwelling house and other buildings thereon erected, with their appurtenances, unto the Honorable John Richardson and James Reid, of the City of Montreal, aforesaid, Esquires, the Reverend John Strachan, Rector of Cornwall, in Upper Canada, and James Dunlop, of the said City of Montreal, Esquire, and to their heirs, to, upon, and for, the uses, trusts, intents, and purposes, and with, and subject to, the provisoes, conditions, and limitations, hereinafter mentioned and expressed, of and concerning the same, that is to say, upon trust that they the said John Richardson, James Reid, John Strachan, and James Dunlop, or the survivors or survivor of them, or the heirs, executors, or curators, of such survivors or survivor, do and shall, as soon as it conveniently can be done after my decease, by a good and sufficient conveyance and assurance, convey and assure the said last mentioned tract or parcel of land, dwelling house, buildings and premises, to the Royal Institution for the advancement of Learning, constituted and established, or to be constituted and established, under and by virtue of an Act of the Parliament of the Province of Lower Canada, made and passed in the forty-first year of His Majesty's Reign, intituled "An Act

for the establishment of Free Schools and the advancement of Learning in this Province"—upon and under the conditions, restrictions, and limitations, and to and for the ends, intents, and purposes following, that is to say, upon condition that the said "Royal Institution for the advancement of Learning" do and shall, within the space of ten years to be accounted from the time of my decease, erect and establish, or cause to be erected and established, upon the said last mentioned tract or parcel of land, an University or College, for the purposes of education, and the advancement of learning in this Province, with a competent number of Professors and Teachers, to render such establishment effectual and beneficial for the purposes intended, and if the said "Royal Institution for the advancement of Learning" should so erect and establish, or cause to be erected and established, an University, then, upon condition, also, that one of the Colleges, to be comprised in the said University, shall be named, and perpetually be known and distinguished, by the appellation of "McGill College;" and if the said "Royal Institution for the advancement of Learning," should not so erect and establish, or cause to be erected and established, an University, but should erect and establish, or cause to be erected and established, a College only, then upon the further conditions, that the said College shall be named, and perpetually be known and distinguished, by the appellation of "McGill College;" and upon condition also, that until such University or College be erected and established, the said "Royal Institution for the advancement of Learning" do and shall permit and suffer my said wife, and in case of her death, the said Francis DesRivières, to hold, possess and enjoy, the said last mentioned tract or parcel of land, dwelling house, buildings and premises, and to recover, have and receive, all and every, the rents, issues and profits thereof, to and for, her and his use and benefit; and upon this other and further express condition, that if the said "Royal Institution for the advancement of Learning" should neglect to erect and establish, or cause to be erected and established, such University or College as aforesaid, in manner aforesaid, within the said space of ten years, to be accounted from the time of my decease, then, and in such case, the said conveyance and assurance

so made to the said "Royal Institution for the advancement of Learning" shall, from and after the expiration of the said space of ten years, become and be, absolutely null and void, and all and every the estate, right, title and interest of the said "Royal Institution for the advancement of Learning," of, in, and to, the said last mentioned tract or parcel of land and premises, shall cease and be determined, and be as completely extinguished, as if such conveyance and assurance had never been made or executed. All which conditions, restrictions, and limitations, shall, in apt and sufficient language, be fully expressed in such conveyance and assurance. And upon trust that the said John Richardson, James Reid, John Strachan, and James Dunlop, or the survivors or survivor of them, or the heirs, executors or curators of such survivors or survivor of them, do and shall permit and suffer my said wife, or in case of her death, the said Francis DesRivières to hold, possess and enjoy, the said tract or parcel of land, dwelling house, buildings and premises, and recover, have, and receive, the rents, issues and profits thereof until the making and executing of the said conveyance and assurance, so as aforesaid to be made to the said "Royal Institution for the advancement of Learning," and if the said "Royal Institution for the advancement of Learning" should refuse to accept and receive, the said conveyance and assurance of the said last mentioned tract or parcel of land and premises, upon the conditions, restrictions and limitations, herein before expressed and directed, of and concerning the same, or should after the making and accepting of the said conveyance and assurance, neglect to erect and establish, or cause to be erected and established, such University or College as aforesaid, in manner aforesaid, within the said space of ten years, to be accounted from the time of my decease, or if from any legal cause, matter or thing, the said trust, so as aforesaid to convey and assure the said last mentioned tract or parcel of land and premises to the said Royal Institution for the advancement of Learning, in the manner herein before directed, should be incapable of being accomplished or carried into effect, or otherwise become, or be, or be deemed, or construed, to be invalid, illegal, or inoperative, then, and in either or any of those cases, upon trust, that they, the said John Richardson, James Reid, John Strachan,

and James Dunlop, or the survivors or survivor of them, or the heirs, executors or curators of such survivors or survivor, do and shall, from and immediately after the expiration of the said space of ten years, by a good and sufficient conveyance and assurance, convey and assure the said last mentioned tract or parcel of land, dwelling house, buildings and premises to the said Francis DesRivières, (if then living,) and to his heirs and assigns for ever, or if the said Francis DesRivières should be dead, then to the legal heirs then living, and to their heirs and assigns for ever.

I give and bequeath, from and out of the rest and residue of my estates, real and personal, moveable and immoveable, which shall and may remain after the fulfilment and satisfaction of the several legacies in this my Will contained, the sum of *ten thousand pounds*, current money of the said Province of Lower Canada, to the said John Richardson, James Reid, John Strachan, and James Dunlop, *their heirs, executors, or curators*, upon the trust, and to and for the intents and purposes, and upon the conditions following, that is to say, upon trust: that they, the said John Richardson, James Reid, John Strachan, and James Dunlop, or the survivors or survivor of them, or the heirs, executors and curators of such survivors, do and shall pay the said sum of ten thousand pounds (with the interest to accrue thereon from and after the expiration of three years from my decease) to the said "Royal Institution for the advancement of Learning," when and so soon as the said "Royal Institution for the advancement of Learning" shall have erected and established, or cause to be erected and established, an University or College upon the last mentioned tract or parcel of land, herein before directed to be conveyed to the said "Royal Institution for the advancement of Learning," in manner aforesaid, *to be* by the said "Royal Institution for the advancement of Learning" *paid and applied towards defraying the expense incurred in establishing the said University or College*, and towards maintaining the same after it shall have been erected and established, in such manner and form, and under such regulations as the said "Royal Institution for the advancement of Learning" shall in this behalf prescribe. Provided always, that such University or College be

erected and established within the space of ten years, to be accounted from the time of my decease: and if such University or College should not be so erected and established within the said space of ten years, then upon trust that they, the said John Richardson, James Reid, John Strachan, and James Dunlop, or the survivors or survivor of them, or the heirs, executors, or curators of such survivor, from and immediately after the said expiration of the said space of ten years, do and shall pay the said sum of ten thousand pounds, with all and every the interest accrued thereon, to the said Francis DesRivières, if then living, to and for his use and benefit, or if dead, then to his legal heirs then living, to and for their use and benefit.

CHARTER OF MCGILL COLLEGE.

George the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING :

WHEREAS, the Honorable JAMES MCGILL, late of the City of Montreal, in the Province of Lower Canada, now deceased, by his last will and testament, bearing date at Montreal, the eighth day of January, in the year of our Lord one thousand eight hundred and eleven, did give and bequeath a certain tract of land near the said City of Montreal, with the dwelling house and other buildings thereon erected, to Trustees in trust to convey and assure the same to the Royal Institution for the advancement of Learning, established by virtue of an Act of the Provincial Parliament of Lower Canada, made and passed in the 41st year of the reign of His late Majesty, intituled "An Act for the establishment of Free Schools and the advancement of Learning in this Province," upon condition that the said Institution should, within ten years from the decease of the said James McGill, erect and establish, or cause to be erected and establish upon the said land, an University or College, for the purposes of education and the advancement of learning in the said Province, with a competent number of Professors and Teachers to render such establishment effectual and beneficial for the purpose intended, and also upon condition that one of the Colleges to be comprised in the said University should be called "McGill College." And whereas the said James McGill, Esq., by his said will, did further give and bequeath to the said Trustees, the sum of £10,000 in trust, to pay the same with interest to accrue thereon

Date of Hon. James McGill's Will,

Tract of Land devised to Trustees in trust, to be conveyed to the Royal Institution for the advancement of Learning.

£10,000 bequeathed to Trustees in

trust, to be from and after the expiration of three years from his de-
 paid within- cease to the said Royal Institution for the advancement
 erest to the of Learning, to be applied as soon as the said Instituion
 Royal Insti- should have erected an University or College on the
 tution for the advance- ment of Learning.

Petition of the Royal In- we have been humbly petitioned by the said "Royal
 stitution for a Royal Institution for the advancement of Learning," that we
 Charter. would be pleased to grant our Royal Charter for the
 more perfect erection and establishment of the said
 College, and for incorporating the members thereof for
 the purposes aforesaid, and for such further endowment
 thereof, as to us should seem meet, we, having taken
 the premises into our Royal consideration, and being
 desirous that an University or College should be
 established for the education of youth in the principles
 of true Religion, and for their instruction in the diffe-
 rent branches of science and literature, are willing to
 comply with the prayer of the said petition, and to
 afford every assistance towards carrying the intentions
 of the said James McGill into execution.

The peti-
 tion compli-
 ed with, and
 reasons for
 complying
 herewith.

Therefore, know ye that we, of our especial grace,
 certain knowledge and mere motion have willed, ordained
 and granted, and do by these presents for us, our heirs and
 successors, will, ordain, and grant, that upon the said land
 and in the said buildings thereon erected, or to be erected,
 there shall be established from this time one College at
 the least for the education of youth and students in the
 arts and faculties, to continue for ever, and that the first
 College to be erected thereon shall be called "McGill
 College," and that our trusty and well beloved, the
 Governor of Lower Canada; Lieutenant Governor of
 Lower Canada; Lieutenant Governor of Upper Canada;
 the Bishop of Quebec; the Chief Justice of Montreal;
 and the Chief Justice of Upper Canada, for the time
 being, shall be Governors of the said McGill College,
 and that the said College shall consist of one Principal,

One Col-
 lege at least
 to be estab-
 lished.

Called Mc-
 Gill College.

Who shall
 be Govern-
 ors of said
 College.

to be elected in manner hereinafter mentioned, and who shall be, during his continuance in the said office, a Governor of the said College, of four Professors to be also elected in manner hereinafter mentioned, and of Fellows, Tutors, and Scholars in such numbers, and at such salaries, and subject to such provisions, rules, and regulations, as shall hereafter be appointed by the Statutes, Rules and Ordinances of the said College. And we do, by these presents, for us, our heirs and successors, will, ordain and grant that the Principal and Professors of the said College shall be from time to time elected by the said Governors or the major part of such of them as shall be present at any meeting to be holden for such election : and in case of any equality of votes the officer present at such meeting whose office is first described in order in these presents shall have a double and casting vote ; provided always, that the persons by whom such election shall be made shall notify the same respectively to us, our heirs and successors, through one of our or their principal Secretaries of State, by the first opportunity, and in case that we, our heirs or successors, shall disapprove of any person so elected, and shall cause such disapprobation to be notified to him under the Royal signet and sign manual, or through one of the principal Secretaries of State, the person so elected as aforesaid, shall immediately upon such notification, cease to hold the office of Principal or Professor to which he shall have been elected as aforesaid, and the said Governors shall thereupon proceed to the election of another person to fill the office of such Principal or Professsor respectively, and so, from time to time, as often as the case shall happen.

Officers of
which said
College shall
consist.

Principal
and Profes-
sors how
elected.

Election of
Principal and
Professors
must receive
the sanction
of the crown.

Governors
instructed,
when an election is dis-
allowed.

And we do by these presents, for us, our heirs and successors, will, ordain and grant that the said Governors, Principal and Fellows, and their successors forever, shall be one distinct and separate body politic and corporate in deed, and in word, by the name and style of "The Governors, Principal and Fellows of McGill

The Gov-
ernors, Prin-
cipal & Fel-
lows shall be
a body cor-
porate with
certain pow-
ers and pri-
veleges.

College, at Montreal, in the said Province of Lower Canada," and that by the same name they shall have perpetual succession and a common seal, and that they and their successors shall, from time to time, have full power to break, alter, make new, or change such common seal at their will and pleasure, and as shall be found expedient, and that by the said name the said Governors, Principal and Fellows, and their successors, from time to time, and at all times hereafter, shall be a body politic and corporate in deed and in law, and be able and capable to have, take, receive, purchase, acquire, hold, possess, enjoy and retain.

And we do hereby for us, our heirs and successors, give and grant full authority and free licence to them and their successors, by the name aforesaid, to have, take, receive and purchase, acquire, hold, possess, enjoy, and retain to and for the use of the said College, notwithstanding any statutes or statute of mortmain, any manors, rectories, advowsons, messuages, lands, tenements, rents, hereditaments of what kind, nature, or quality soever, so as that the same do not exceed in yearly value the sum of £6,000 above all charges; and, moreover, to take, purchase, acquire, have, hold, enjoy, receive, possess and retain, notwithstanding any such statutes or statute to the contrary, all or any goods, chattels, charitable and other contributions, gifts and benefactions whatsoever; and that the said Governors, Principal and Fellows, and their successors by the same name, shall and may be able and capable in law to sue and be sued, implead, and be impleaded, answer and be answered in all and every court or courts of record or places of judicature within our United Kingdom of Great Britain and Ireland, and our said Province of Lower Canada, and other our dominions, and in all and singular actions, causes, please, suits, matters and demands whatsoever, of what kind and nature and sort soever, in as large, ample and beneficial manner and form as any other body politic or corporate, or any other

Authorised
to hold pro-
perty of what
kind soever
not exceed-
ing in yearly
value the
sum of £6000
above all
charges to
purchase and
receive, to
plead and be
impleaded,
&c.

our liege subjects being persons able and capable in law may or can have, take, purchase, receive, hold, possess, enjoy, retain, sue, implead or answer, or be sued, impleaded or answered in any manner whatsoever.

And we do by these presents, for us our heirs and successors, will, ordain and grant, that the Governors of the said College, or the major part of them, shall have power and authority to frame and make statutes, rules and ordinances touching and concerning the good government of the said College, the performance of Divine Service therein, the studies, lectures, exercises and degrees in arts and faculties and all matters regarding the same, the election, qualification and residence of the Principal, Professors, Fellows and Scholars, the salaries, stipends and provisions for the Principal, Professors, Fellows and Scholars, and Officers of the said College, and touching and concerning any other matter or thing which to them shall seem good, fit, useful and agreeable to this our charter, provided that no such statutes, rules and ordinances shall have any force or effect until allowed and confirmed by us, our heirs or successors; and also from time to time to revoke, augment or alter the same as to them, or the major part of them, shall seem expedient, subject always to our allowance and confirmation as aforesaid—provided that the said statutes, rules and ordinances, or any of them shall not be repugnant to the laws and statutes of this our realm, and of our said Province of Lower Canada. And we do hereby for us, our heirs and successors, charge and command that the statutes, rules and ordinances aforesaid, subject to the said provisions, shall be strictly and inviolably observed, kept and performed, so long as they shall respectively remain in force and effect under the penalties, to be thereby or therein inflicted or contained. And we do by these presents, for us our heirs and successors, will, ordain, direct and appoint that the members of the Royal Institution aforesaid, for the time being, shall be visitors of the said College. And we do fur-

The major part of the Governors to frame statutes and rules, and the object of these statutes and rules specified.

Members of the Royal Institution visitors of the College pro tempore.

ther will, ordain and grant, that the said College shall be deemed and taken to be an University, and that the

Students of
said College
shall have li-
berty of tak-
ing degrees,
in the several
arts and fa-
culties.

Students in the said College shall have liberty and faculty of taking the degrees of Bachelor, Master and Doctor, in the several arts and faculties at the appointed times, and shall have liberty within themselves of performing sholastic exercises, for the conferring of such degrees, in such manner as shall be directed by the statutes, rules and ordinances of the said College. And we do by these presents for us, our heirs and successors, grant and declare that these our letters patent, or the enrolments or exemplifications thereof shall and may be good, firm and valid, sufficient and effectual in the law according to the true intent and meaning of the same, and shall be taken and construed and adjudged in the most favourable and beneficial sense for the best advantage of the said Governors, Principal, Fellows and Scholars of the said College at Montreal aforesaid, as well in all our courts of record, as elsewhere, and by all and singular Judges, Justices, Officers, Ministers and other subjects whatsoever, of us our heirs and successors, any misrecital, nonrecital, omission, imperfection, defect, matter, cause or thing whatsoever to the contrary thereof, in any wise notwithstanding, without fine or fee, great or small to be for the same in any manner rendered, done or paid, to us in our hanaper or elsewhere to our use. In witness thereof, we have caused these our letters to be patent.—Witness ourself at Westminster, the thirty-first day of March, in the second year of our reign.

By writ of Privy Seal,
(Signed,)

BATHURST.

A D D R E S S

DELIVERED BY

THE PRINCIPAL OF MCGILL COLLEGE.

LADIES AND GENTLEMEN,

To the Governors of this College, whose persevering exertions are now so far crowned with success,—to the learned professions, and to the laity generally,—to all of these, individually and collectively, it must be a subject of the most heartfelt congratulation that we are here assembled to witness the opening of the first Institution, in this portion of the British Empire, which is authorized to confer those literary honors and distinctions to which it will, henceforward, be the privilege of our youth to aspire. It is a subject of such deep and engrossing importance as should unite us all in one undivided and unqualified expression of most humble and hearty thanksgiving to Him, who is the bountiful bestower of every good and perfect gift.

In virtue of the office which I have the honor to hold in this University, the duty devolves upon me of setting forth, in this public manner, the general principles upon which it is to be conducted. But I beg to be permitted, previously, to occupy a few minutes of your time in setting before you a concise history of its rise, and of its progress to its present state.

The founder of this University was a highly respectable merchant in this city, whose honorable industry and perseverance in his calling had been crowned with an ample fortune. Desirous of bestowing upon the country of his adoption, upon the country in

which he had accumulated his wealth, some extensive and lasting public benefit, he consulted his intimate friend and connexion by marriage, the present Lord Bishop of Toronto, in the year 1810, while on a visit to his Lordship at Cornwall, of which the Bishop was then Rector. To his Lordship, then, we are indebted for the suggestion of founding this Institution in fulfilment of the desire of Mr. McGill, to leave behind him a valuable and permanent testimonial of his gratitude for the ample blessings which it had pleased a kind and bountiful Providence to bestow upon him. Mr. McGill, therefore, bequeathed this property, on which we are now standing, then estimated to be worth £5,000, and the sum of £10,000 in money, towards the erection and endowment of an University. It was stipulated in his Will, that if the University should consist of more than one College, one of the Colleges should be called after his own name ; and if it should consist of only one College, then that one should have the like denomination. The bequest was made in favor of four Trustees, of whom the Bishop of Toronto was one, to be transferred by them, for the purposes intended, to the Board of the Royal Institution for the advancement of Learning, so soon as it should be constituted in virtue of the Provincial Statute, passed in 1801, authorizing the Governor of Lower Canada to constitute that Board. Mr. McGill died in 1813, but the Board of the Royal Institution for the advancement of Learning was not constituted until the year 1819, when the Trustees duly invested them with the bequest in conformity with the Will of the Testator. It was one condition of the Will that the bequest should remain in the enjoyment of the residuary legatee for a limited period, and that unless the University was erected within ten years from the death of the Testator, the bequest should revert to that residuary legatee. The Board of the Royal Institution therefore lost no time in applying to the residuary legatee to be put into possession of the bequest, in order to the fulfilment of their trust, but they were unhappily met by a refusal to comply with the wishes of the benevolent Testator, (who, it may be here remarked, was the legatee's own most munificent benefactor,) on the ground that the Testator could not legally devise any portion of his property in *Mortmain*. The consequence of this re-

fusal was a long course of litigation, protracted through a period of 16 or 17 years, a circumstance which sufficiently accounts for the delay which has occurred in bringing the wishes of the founder into effect. In the mean time the Board of the Royal Institution procured the erection of the University by a Royal Charter, granted by His late Majesty George the Fourth, in the year 1821,—a course of proceeding which was sustained in our Courts of law, as removing the difficulty which might have otherwise arisen with respect to a compliance with the condition that the University should be erected within the time specified by the Testator, until they could obtain possession of the means devised for a more literal fulfilment of his design.

A single glance at the Will of the late Mr. McGill must convince any who are at all conversant with our Provincial history, that he must have had in his view the prospect of a rich endowment of Seminaries of Learning in this Province by the Crown. It is impossible to suppose that a person of the late Mr. McGill's intelligence and connexion with Provincial public affairs should not have been aware of the fact that His late Majesty George the Third had communicated to the Governor of Lower Canada, in the year 1801, his Royal desire that His Excellency and the Executive Council should take up the subject of extensive grants of land for the purposes of education,—and that a report had been subsequently made to the Secretary of State favourable to extensive endowments of Schools and Colleges in this section of Canada—one of the last at Quebec and one at Montreal—and moreover that this report was favourably entertained by His Majesty, and orders sent to this country to carry it into effect. It is impossible to suppose that when Mr. McGill made his Will he was unacquainted with these facts—indeed his Will directly points to them—because he made his bequest in aid of the erection and maintenance of a College at Montreal—evidently pointing to the one which he supposed would be endowed by Government in this city, to the extent of twenty thousand pounds. It is deeply to be lamented that those enlarged and benevolent views of his late most gracious Majesty of pious memory, have never been carried out. This is most deeply to be deplored—and it is natural enough for us, at this day, to ask

why they were not carried into effect—especially when we see that in that portion of this Province which was then called Upper Canada, those views have been fully accomplished. It is at least very easy to discern the cause of this last result—it was the active, unabated zeal and untiring exertions of the Bishop of Toronto. Is it not then reasonable to suppose that a similar zeal and similar exertions on the part of those in this section of the Province, whose duty it was to attend to this most important matter, would have been crowned with the like success? We cannot take upon ourselves to say that such zeal did not exist—that such exertions were not made—but we can and will say that we have no evidence of either. Of one thing, however, we are quite certain, namely, not one acre of public land, not one farthing of the public money has been bestowed, in the way of endowment, upon this Institution—and the consequence has been that it has the character of a College of private foundation, depending solely upon the resources of that foundation, and upon such aid as may from year to year be granted by the Legislature. It is then precisely in the same position, with respect to the public, as the Roman Catholic Colleges in this section of the Province, and as the Church of Scotland and Methodist Colleges in Canada West. They are of private foundation, and so is this;—If, therefore, the Legislature grants assistance to each of those Colleges, whose management is exclusively in the hands each of its own denomination, and are of an exclusively religious character—we may, a *fortiori*, expect to receive aid to the same amount, at least. With these preliminary observations, I proceed to develop the general principles upon which this University is to be conducted.

The Charter which has been read, it is almost superfluous to say, is the authority by which its rulers must be guided—the law and the testimony to which they must appeal—that Charter which was granted by the Sovereign to the petition of those into whose hands the bequest was temporarily intrusted. The first provision in the Charter is for inculcating the principles of true religion. The very first question then, which presented itself to the consideration of the Governors, was that of the religious character of the Institution. Had the Charter been silent upon

this subject, it might in that case, in these days of mawkish liberality, have become a question of policy, whether the University might not be more popular, and more likely to receive general as well as legislative support, as a mere Seminary of instruction in the arts and sciences, if it were divested of all religious character. I am grieved to say that, in the present temper and feelings of a portion of the inhabitants of Canada, I fear this would be the case. I fear that to secure the cordial good wishes of a considerable body of professing Christians, it would be necessary, anomalous as it may appear, to decree that Christian teaching and Christian worship must be excluded from the walls of this University:—For, to satisfy all parties in this respect, we have to choose one of only two alternatives. We must allow every one of the almost countless sects into which the Christian family is unhappily divided, to have its representative religious teacher and its daily worship within these walls, or we must banish from its precincts even the sound of the name of that God “in whom we live and move and have our being.” I trust there is good sense enough left among us to enable every one to see, at a single glance, that the first of these alternatives cannot be entertained. For not to enlarge upon the distracting effects of such a system upon the minds of the youth who may be congregated here, or upon its inevitable tendency to scepticism and infidelity, a simple calculation will shew its utter impracticability in operation. There are now, within the small compass of this city alone, to say nothing of the whole Province, not less than ten different sects of Christians. If we suppose each of these to have a Professorship of Theology established here, we should then require for this faculty alone, nearly three times the whole number of Professorships which are allowed by the Charter. But if we suppose this difficulty surmounted, each of these ten sects must have its morning and evening service, occupying at least ten hours, or some two hours more in each day, than is usually devoted to instruction altogether, in all the arts and faculties,—or are we to have ten separate chapels within these walls in which the worship of God is to be simultaneously celebrated?

What shall we say of the other alternative—that of banishing all religious instruction, all religious worship, from

the walls of the University ; that of permitting, it may be, some hundreds of our youth to be congregated here in a state of Heathenism—nay, worse than this, (for the heathen would not suffer the worship of their Gods to be excluded from such an Institution,) in a state of absolute Atheism, for any thing that they should be permitted to be taught here to the contrary,—*And is it come to this ?* Is this the boasted liberality of the 19th century, which leads professing Christians to say that they cannot unite in the support of a Seminary of learning, where a child should be trained up in the way in which he *should* go, unless that Seminary be based upon a principle which would be spurned by those Heathens whose darkness it is the earnest and laboured desire of the same Christians to dissipate ! If example be more powerful in its effects than precept, I should like to know how it would do to tell the Heathen, while we are setting before them the doctrine of salvation through Christ, that it is necessary to exclude the teaching of that doctrine from our chief Seminaries of learning, because the mode of doing so might be offensive to some ?—Well indeed may we here unite in prayer to God, that having “built his Church upon the foundation of the Apostles and Prophets, Jesus Christ himself being the chief corner stone, he would grant to us to be so joined together in unity of spirit, by their doctrine, that we may be made an holy temple, acceptable unto Him, through Jesus Christ our Lord.”

I appeal to you, fathers—I appeal to you, pious mothers, whose chief delight it is to teach the infant tongue to lisp the praises of its God, and while they are still fresh as it were from the hand of their Creator, uncontaminated by the corruptions, untouched by the ambitions, and unclouded by the cares of the world, to imbue their young minds with the love of their Saviour at the time when they are most susceptible of those impressions which are most pure and most lovely—to lead them to the contemplation of the glories of his resplendent path upon earth, of his sufferings and of his sacrifice, until they love him even as he hath loved us. I appeal to you whether you would be willing, whether you would consider it consistent with your duty to those same children, to permit them, when they have become

more exposed to the temptations of sin, to be inmates of an establishment whence you knew that the teaching of that religion, and the worship of that God, and of that Saviour were banished ;—and where, finding all their time, their talents and their energies devoted to the cultivation of the arts and faculties, they must naturally infer that the one thing needful which their mothers taught them to believe, is only ideal—since the wise and learned men under whose care and instruction they are now placed, and who are goading them on to the acquisition of all the knowledge which they consider to be most useful and valuable, have never spoken of that one thing needful, of that jewel of inestimable price, for the purchase of which their pious mothers had taught them they should sell, if need be, even the whole world, if it were theirs.

I shall not urge this argument farther—to say all that might be said on the subject would occupy far more of the time of this meeting than any one individual could be allowed to take up. But enough I trust has been said to show that, even if the Charter of this Institution had been silent on the subject, the Governors could not, consistently with the due discharge of the trust reposed in them, have consented to divest it of all religious character. In a word, that must be a sound principle of human action which bases all human proceedings upon religion.

Much stress, I am aware, is attempted to be laid upon the circumstance, that no mention is made, in the Will of the founder of this Institution, of instruction in the principles of religion, but only of “education and the advancement of learning,” and it is inferred that he did not consequently contemplate any preference in favour of any particular denomination of Christians. But this I must take leave to say is not a legitimate conclusion from the premises ; for Mr. McGill either considered religious instruction to be included in “education,” or he did not. If he did not, as it is contended, then we must conclude that, by the mere provisions of his Will in this respect, no religious instruction of any description could be given in this University. But if we bear in mind that when Mr. McGill made his Will, a University without religion was a thing unknown within the British dominions ;—the experiment of such a scheme was reserved for

a much later period—an experiment which has proved a signal failure—the fair conclusion then is that the founder of this University did consider religion to be included in “education.” But if we admit for a moment, the supposition that he did not so consider it, how would the question be affected by such a hypothesis? It must be admitted, on all hands, that the intentions of the testator could not have been carried into effect in the establishment of an University, without a charter making provision for the manner and form, and for the regulations under which it must be conducted. If, then, it had been clearly set forth by the founder, that no religion was to be taught in the contemplated University, it would follow that no part of his bequest could be legally appropriated under a Charter which prescribed “instruction in the principles of true religion.” This University must therefore fall to the ground, and the money of the testator applied by his trustees under that Charter must be refunded. This would be a consummation which I apprehend none of those who pretend so to interpret the Will of the late Mr. McGill would desire to see. But how stand the *facts* in this case? The testator bequeathed land and money to a corporate body, called “The Royal Institution for the advancement of Learning,” in trust, to be applied by that body towards the erecting and maintaining an University “in such manner and *form*, and under such regulations as the said Royal Institution for the advancement of Learning shall in this behalf prescribe.” Here, then, is the most ample declaration of the testator with respect to the *manner and form and the regulations* under which it was his desire that the contemplated University should be conducted. He leaves this absolutely to the Royal Institution to settle, and to no one else. And what was the action of the Royal Institution “in this behalf?” They applied for, obtained and accepted a Royal Charter, which makes provision for “the manner and form,” and for “the regulations” under which the University is to be conducted. Under this Charter, then, it is incontestible, and under no other authority can the bequest of the late Mr. McGill be legally applied towards the maintenance of an University. The Governors of the University, to whom is intrusted, by this Charter, among other objects, the framing

of the "regulations" under which it is to be conducted, know no other authority than that Charter. And when they looked into that Charter, and saw that the very first object to which it points is "the education of youth in the principles of true religion," they felt that under no circumstance could they be justified in making no provision for such instruction ; and when they farther found it enjoined upon them to make provision, among other objects, for "the performance of Divine Service therein," they could not feel a moment's hesitation in giving to the University a religious character ;—and they have no difficulty in avowing that they had sincere pleasure in finding that they could, with perfect unanimity, discharge their duty in a manner so much in accordance with their own desires.

This important point being settled, the next thing to be considered was, of course, the nature of that religious character and the form of Divine Service to be established. They could not entertain the idea, for reasons already stated, of more than one system of religious instruction, or of more than one form of Divine Worship ; and to guide them in their selection they had again recourse to the authority under which they were acting, to the law and the testimony to which they were bound to appeal. In the Charter, they are free to admit they found no positive instruction, in direct terms, on the subject. But they could draw no other legitimate inference from the declaration of the Royal pleasure that this University was designed "for the instruction of youth in the principles of true religion," than this, that the Sovereign could have meant by "true religion" none other than the particular form with which he was himself in communion, and which he was bound, by the most solemn obligation to maintain.—And with regard to the views of the founder of the Institution on the subject, although there does not appear to be any thing in his Will, which positively settles the point beyond all question ; yet it is well known, that he lived and died in the same faith as that which was professed by his Sovereign :—that he proposed to name a Clergyman of the Church of England, in his Will, as the first President of the College ; but the offer was declined on the ground that it would involve the necessity of his removal from Upper Canada to this city, which he

would not consent to do; and that he selected as Trustees of his bequest, until the Board of the Royal Institution should be constituted, persons who were all members of the Church of England, save one who was one of his oldest and most intimate friends. It appeared then that, in the absence of any positive instruction on the subject, the United Church of England and Ireland had a very strong claim to the distinction of being selected as the peculiar form of doctrine and worship to be established in this University. It is equally clear that there is not the slightest foundation, either in the Charter or in the Will or in the circumstances of the founder, for such a claim on the part of any other denomination; and the Governors therefore felt that they could not err in giving the preference to that which had a *strong claim*, over those who had *no claim at all*;—a strong claim which receives much additional force from the fact that the members of the Church of England both in this city and in the whole of this section of the Province, are not only more numerous than any one other denomination of Protestants, but, according to the last census, more numerous than the whole united body of all others within the same bounds who are distinguished by the same general designation. A Divinity professorship, therefore, of the Church of England has been established by the statutes, and provision has been made for the performance of Divine Service in the University, according to the form and discipline of the same Church, leaving it optional with those of other denominations to absent themselves from the service. In this particular, the Governors can conscientiously aver that they have faithfully and fearlessly discharged the most important of the duties entrusted to them,—faithfully in accordance with the authority under which they were acting, and fearlessly as to any possible consequences. For however deeply they should deplore any such dissatisfaction as may lead those who conscientiously differ to withdraw their countenance and support from the University, they would have much more deeply felt the well merited obloquy of shrinking, under the fear of man, from the performance of a sacred duty to God. But they hope for better things from their fellow subjects of all other denominations. They trust that they will, on mature reflection, feel neither jealousy nor alarm in the provision which

has been made in favour of the Church of England in an University whose founder was of its own communion, in an University whose portals are flung widely open to all of them, and the freest and most unfettered access afforded them to all the offices and all the advantages and honors in every art and faculty, save that one which is allotted to the members of one Church alone—the Faculty of Divinity. And they, moreover, confidently indulge the hope, a hope founded on the soundest principles of justice, that “the powers that be” can have no hesitation in granting aid to an Institution which admits all, without distinction of creed, to a free participation, without test or subscription, in all the advantages to be derived from the knowledge of the arts, and of the faculties of Law and Medicine, merely because the faculty of Divinity is open to the Church of England alone, and her forms of worship and discipline therein established, while the same powers have dispensed and are still dispensing aid with a liberal hand to other Seminaries of learning, in which the distinctive denominational character is far more strongly marked, and exclusively maintained. But should it please those powers to act otherwise, and to deal less justly with the Church of England than with other denominations of their fellow subjects, we shall not regret the course we have taken, but rest in the full assurance of that support which a kind Providence will not fail to bestow. The path of rectitude and duty is the path of safety.

A Professorship has been established in the faculty of Medicine with a competent number of Lectureships in its various branches. And the Governors entertain a strong hope of being enabled shortly to establish a Professorship in the faculty of Law. In the Arts, Professorships of Classical Literature and of the Mathematics and Natural Philosophy have been established, and to all of these appointments have been made, with the exception of the Mathematics and Natural Philosophy, for which no application had been received which could be favourably entertained by the Governors. They have therefore entrusted the selection of a Professor in this branch of the Arts, to two competent persons in the University of Cambridge, in England.

The University therefore opens with Professorships of

Divinity, Medicine, Classical Literature, and Mathematics and Natural Philosophy, with five Lectureships in the various branches of the Faculty of Medicine; and we hope soon to add Lectureships in Rhetoric and Logic, and in History and Geography. While the Governors deeply regret that the very limited means at their disposal has prevented them from doing more, they are not without the prospect of increased revenues and a consequent enlarged sphere of action at no very distant period. And it gives them sincere pleasure to announce that, in the impartial discharge of their duty, their selections have happened to fall upon persons of four different denominations of Christians—a circumstance which affords a sufficient guarantee that no impediment exists to the attainment of the offices of this University on the ground of difference in religious belief. The Governors also feel much satisfaction in being enabled to say that a proposal, on the part of the subscribers to the High School in this city, for a junction with this University, has been accepted on terms satisfactory to all parties—so that that Institution may now be considered as a preparatory school to this University, while it preserves its distinctive character of independence under a joint Board of Directors appointed by the subscribers to the school, and by the Governors of the College.—This happy arrangement, while it has the much desired effect of uniting parties in the interests of education, secures to the University a constant, and it is hoped an unfailing supply of well prepared students.

It is under these circumstances that we launch our infant Institution upon the world; and though it may be now but as that “little cloud like a man’s hand,” which appeared upon the horizon at the bidding of the prophet, let us pray and let us trust that the blessing of a kind and protecting Providence will cause it to spread and gather strength, like that little cloud, until its benefits descend upon our land in copious and refreshing showers of wisdom and knowledge.

